







Nathan Richardson

Professor of Law
University of South Carolina
1525 Senate St
Columbia, SC 29201

 nathan.richardson@sc.edu
 202-257-1025
 orcid.org/0000-0001-9173-3653
 www.sc.edu
 heinonline.org
 @ndrichardson

Research Interests

Regulatory environmental law, especially climate change and air pollution
Institutions, regulatory design, and administrative law

Appointments

University of South Carolina School of Law

2021–present Professor of Law with tenure
2018–2021 Associate Professor of Law with tenure
2014–2018 Assistant Professor of Law

Resources for the Future

2014–present University Fellow
2009–2014 Resident Scholar

Education

2009 **J.D. *cum laude***
University of Chicago
Chicago Journal of International Law, Articles Editor

2001 **B.S. in Foreign Service**
Georgetown University
Concentration in Science, Technology, and International Affairs
Peter F. Krogh Medal

Other Experience

- 2008 **Latham & Watkins, LLP**
Environment, Land and Resources Practice, Los Angeles
Capital Markets Practice, London
Summer Associate
- 2007-2009 **Professor Eric Posner**
Research Assistant

Publications

Works in Progress

Environmental Law: An Open Source Casebook

Articles & Book Chapters

Antideference: COVID, Climate, and the Rise of the Major Questions Canon
Forthcoming *Virginia Law Review Online* (2022)

Deference is Dead, Long Live *Chevron*
73 Rutgers Law Review 441 (2021)

The Rise and Fall of Clean Air Act Climate Policy
10 Mich. J. Env'tl. & Admin. L. 69 (2020)

Social License to Regulate: Consumer-Producer Collusion and Related Policy Risks for Consumer-Facing Regulation
86 U. Cin. L. Rev. 153 (2018)

The Elephant in the Room or the Elephant in the Mousehole? The Legal Risks (and Promise) of Climate Policy Under §115 of the Clean Air Act
69 Administrative Law Review 291 (2017)

Risks and Mitigation Options for On-site Storage of Wastewater from Shale Gas and Tight Oil Development

101 Energy Policy 582 (2017) DOI:10.1016/j.enpol.2016.11.016 (with Yusuke Kuwayama, Skyler Roeshot, Alan Krupnick, and Jan Mares)

Keeping Big Cases from Making Bad Law: The Resurgent “Major Questions” Doctrine

49 Connecticut Law Review 355 (2016)

Cited by the Supreme Court in *National Federation of Independent Business v. Department of Labor, Occupational Safety and Health Administration*, 142 S.Ct. 661, 669 (2022)

Putting a Carbon Price on Federal Coal: Legal and Economic Issues

46 Environmental Law News and Analysis 10572 (2016) (with Alan Krupnick, Joel Darmstadter, and Katrina McLaughlin)

Trading Unmoored: How Strong is the Legal Foundation for Emissions Trading under §111 of the Clean Air Act?

120 Penn State Law Review 181 (2015)

Heterogeneity in State Shale Gas Regulation

4 Journal of Economics of Energy & Environmental Policy (2015) DOI: 10.5547/2160-5890.4.1.akru (with Alan Krupnick and Madeline Gottlieb)

Managing the Risks of Shale Gas Development Using Innovative Legal and Regulatory Approaches

39 William and Mary Environmental Law and Policy Review 177 (2014) (with Sheila Olmstead)

Hydraulic Fracturing on Federal and Indian Lands: An Analysis of the Bureau of Land Management’s Revised Proposed Rule

29 Journal of Land Use and Environmental Law 337 (2014) (with Molly Feiden, Madeline Gottlieb, and Alan Krupnick)

Risks and Risk Governance in Unconventional Shale Gas Development

48 Environmental Science & Technology 8289 (2014) DOI:10.1021/es502111u (with Mitchell J. Small et al)

Comparing the Clean Air Act and a Carbon Price

44 Environmental Law Reporter 10472 (2014) (with Art Fraas)

Carbon Taxes and Energy Intensive Trade Exposed Industries: Impacts and Options (with Dick Morgenstern and Carolyn Fischer), in *Carbon Taxes and Fiscal Reform: Key Issues Facing US Policy Makers*, Ian Parry et al, eds., IMF Press (forthcoming)

Cutting Carbon, Take Two: A Brief Guide to Federal Electricity-Sector Climate Policy without Cap-and-Trade

35 Applied Economic Perspectives and Policy 377 (2013) (with Joshua Linn)

Aviation, Carbon, and the EPA

38 Columbia Journal of Environmental Law 67 (2013)

Forest Carbon Economics: What We Know, What We Do Not And Whether It Matters

3 Climate Change Economics (2012) DOI: 10.1142/S2010007812500224 (with Molly Macauley)

Playing Without Aces: Offsets and the Limits of Flexibility Under Clean Air Act Climate Policy

42 Environmental Law 735 (2012)

Tradable Standards for Clean Air Act Carbon Policy

42 Environmental Law News and Analysis 10338 (2012) (with Dallas Burtraw and Art Fraas)

Banking on Allowances: The EPA's Mixed Record in Managing Emissions-Market Transitions

19 NYU Journal of Environmental Law 303 (2012) (with Art Fraas)

Seeing the Forests and the Trees: Technological and Regulatory Impediments for Global Carbon Monitoring

26 Berkeley Technology Law Journal 1387 (2011) (with Molly Macauley)

Greenhouse Gas Regulation Under the Clean Air Act: A Guide for Economists

5 Review of Environmental Economics and Policy 293 (2011) DOI: 10.1093/leep/rer009 (with Art Fraas and Dallas Burtraw)

Managing Risk through Liability, Regulation, and Innovation: Organizational Design for Spill Containment in Deepwater Drilling Operations

2 Risk, Hazards, and Crisis in Public Policy 1 (2011) DOI: 10.2202/1944-4079.1083 (with Robert Anderson, Mark Cohen, Molly Macauley, and Adam Stern)

Deepwater Drilling: Law, Policy, and Economics of Firm Organization and Safety

64 Vanderbilt Law Review 1853 (2011) (with Mark Cohen, Madeline Gottlieb, and Joshua Linn)

Greenhouse Gas Regulation under the Clean Air Act: Structure, Effects, and Implications of a Knowable Pathway

41 Environmental Law News and Analysis 10098 (2011) (with Dallas Burtraw and Art Fraas)

International Greenhouse Gas Offsets under the Clean Air Act

40 Environmental Law News and Analysis 10887 (2010)

Greenhouse Gas Regulation under the Clean Air Act: Does *Chevron* Set the EPA Free?

29 Stanford Journal of Environmental Law 283 (2010)

Breaking Up Doesn't Have to Be So Hard: Default Rules for Partition and Secession

Student Note

9 Chicago Journal of International Law 685 (2009)

[Selected Reports, Regulatory Comments, and other Significant Work](#)

Comments to the US EPA on “Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process” (Proposed Rule)

(2020) (with Art Fraas, Dick Morgenstern, and Alan Krupnick)

Comments to the US EPA on “Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process” (Notice of Proposed Rulemaking)

(2018) (with Art Fraas, Dick Morgenstern, and Alan Krupnick)

Comments to the US Environmental Protection Agency on Its Proposed Clean Power Plan

(2014) (with Dallas Burtraw et al)

Yes, they Can

Milken Institute Review (2014)

Preserving Flexibility: Comments on EPA's Carbon Existing Source Performance Standards

RFF Issue Brief 14-05 (2014).

The State of State Shale Gas Regulation

RFF Report (2013) (with Alan Krupnick, Hannah Wiseman, and Madeline Gottlieb)

Comments on EPA's Proposed Carbon Pollution Standard for New Power Plants , RFF

Discussion Paper 12-31 (2012) (with Dallas Burtraw, Art Fraas, and Karen Palmer)

Prevailing Academic View on Compliance Flexibility under § 111 of the CAA

RFF Discussion Paper 11-29 (July 2011) (with Dallas Burtraw, Michael B. Gerrard, Michael A. Livermore, Jason A. Schwartz, and Gregory E. Wannier)

Public Interest Comment on The Environmental Protection Agency's Proposed Clean Air Transport Rule

George Washington Univ. Regulatory Studies Center Report (2010) (with Art Fraas)

Selected Short and/or General Audience Publications:

Striking Down the Affordable Clean Energy Rule Helps—But Does Not Guarantee—Ambitious Climate Policy

Resources Magazine (2021) (with Tim Brennan and Dallas Burtraw)

The Rise and Fall of Clean Air Act Climate Policy

Resources Magazine (2020)

How South Carolina Can Turn Nuclear Failure into Opportunity

The State, December 6, 2017 (with Jonas Monast)

Should We Price Carbon from Federal Coal?

189 Resources 15 (2015)

Policy Significance of EPA's Greenhouse Gas Reporting Program

RFF Issue Brief 12-07 (November 2012)

Climate Change Regulatory Authority Beyond the Clean Air Act

RFF Discussion Paper 12-39 (2012) (with Peter Anderson)

Domestic Action on Aviation Carbon: Using the Clean Air Act to Cut Aviation Emissions and Create an Alternative to the European Union Emissions Trading System

Center for American Progress Blue Skies Project Issue Brief (July 2012)

Considering a Carbon Tax: Frequently Asked Questions

RFF Policy Brief IB 12-09 (2012) (with Joseph Aldy et al)

Importing Climate Mitigation: The Potential and Challenges of International Forest Offsets in AB 32

RFF Issue Brief 11-12 (October 2011) (with Daniel F. Morris and Anne Riddle)

Making Sense of Ozone

RFF Policy Commentary (September 2011) (with Randall Lutter)

Opportunities for Flexibility and Cost Savings within EPA's Greenhouse Gas Rules

RFF Workshop Summary (July 2011) (with Samuel Grausz, Joshua Linn, Karen Palmer, and Dallas Burtraw)

Instilling a Stronger Safety Culture: What are the Incentives?

Resources, Winter/Spring (2011) (with Joshua Linn)

The Next Battle: Containing Future Major Oil Spills

Resources, Winter/Spring (2011) (with Mark Cohen and Molly Macauley)

EPA Greenhouse Gas Performance Standards: What the Settlement Agreement Means

RFF Issue Brief 11-02 (January 2011)

The Return of an Old and Battle-Tested Friend, the Clean Air Act

Resources, Fall (2010) (with Art Fraas and Dallas Burtraw)

Greenhouse Gases and the Clean Air Act: A Useful Option for the Short Term

RFF Policy Commentary, (July 2010) (with Dallas Burtraw and Art Fraas)

Deepwater Horizon and the Patchwork of Oil Spill Liability Law

RFF Backgrounder, (May 2010)

Blogs

***Resources* (Resources for the Future)**

2009-present Contributor

2011-2014 Managing Editor

***Progressive Fix* (Progressive Policy Institute)**

2009-2011 Contributor

***Faculty Blog* (University of Chicago)**

2008-2009 Contributor & Reporter

Selected Presentations and Service

External

2018-present **Southern Environmental Law Scholars Workshop (annual)**

Co-organizer (with Shelley Welton, J.B. Ruhl, Jonas Monast, and Blake Hudson)

2020 **Designing Climate and Energy Policy Under the Non-Delegation and Major Questions Doctrines**

Resources for the Future/UCLA

2019 **The Politics of Carbon Taxes vs. Regulation**

Energy Tradeoffs Podcast ([audio](#))

- 2019 **CPP vs. ACE: Evaluating the Economic and Legal Impacts**
RFF Live ([video](#))
- 2017 **Fixed Costs and Uncertain Futures in the Regulated Electricity Sector Conference**
Co-organizer (with Shelley Welton and Jonas Monast)
- 2017 **Energy and Governance Forum**
Aspen Institute
- 2016 **Environmental Law in the Administrative State**
George Mason University
- 2016 **The End of Green Drift?**
Environmental Works-in-Progress Workshop, Duke/UCLA/University of Colorado Law School
- 2016 **Faculty Colloquium Series**
Emory University School of Law
- 2016 **Energy Infrastructure in Transition**
Southeastern Association of Law Schools
- 2016 **The Clean Power Plan and the End of Regulatory Innovation**
Payne Institute for Earth Resources, Colorado School of Mines
- 2016 **Rule of Law and the Environment**
University of South Carolina Rule of Law Collaborative/Department of State
- 2015 **Moving Forward with the Clean Power Plan**
Electric Cooperatives of South Carolina/Coastal Conservation League
- 2015 **What Would Milton Friedman do about Climate Change?**
Florida State University
- 2014 **Electric Policy Working Group**
Harvard University, Kennedy School of Government
- 2014 **Workshop on Local Responses to Unconventional Oil & Gas Development**
University of Denver Sturm College of Law
- 2014 **Conference on Arctic Oil & Gas Development**
Duke University Nicholas School of the Environment
- 2013 **Options for State Shale Gas Regulation**
North Carolina Mining and Energy Commission
- 2012 **Unconventional Gas Development**
International Risk Governance Council Workshop, Zürich
- 2011 **The Next Round of Climate Economics & Policy Research**
Stanford University/RFF
- 2011 **Carbon Expo**
International Emissions Trading Association (IETA), Barcelona
- 2010 **Conference of the Parties (COP) 16**
UNFCCC, Cancun

Internal

2016-present	Faculty Advisor, ABA Real Property, Trusts and Estates Journal
2020-2022	Admissions Committee
2015, 2017-2019	Faculty Selection Committee
2014-2016	Faculty Senate

Courses Taught

Environmental Law
Administrative Law
Property
Energy Law
Natural Resources Law
Comparative Environmental Law
Climate Change (seminar)
Advanced Environmental Law (seminar)
How Institutions Fail (seminar)

Bar Admissions

2010	California
2014	District of Columbia

Languages

English (native)
German

References

Josh Eagle, Solomon Blatt Professor of Law, University of South Carolina
eaglej@law.sc.edu

Dallas Burtraw, Darius Gaskins Senior Fellow, Resources for the Future
burtraw@rff.org

J.B. Ruhl, David Daniels Allen Distinguished Chair in Law, Vanderbilt University
j.b.ruhl@vanderbilt.edu

Jonathan Adler, Johan Verheij Memorial Professor of Law, Case Western University
jonathan.adler@case.edu

Shi-Ling Hsu, D'Alemberte Professor of Law, Florida State University
shsu@law.fsu.edu

Blake Hudson, Samuel T. Dell Professor of Law, Co-Director, Environmental and Land Use Law Program,
University of Florida Levin College of Law

HUDSONB@LAW.UFL.EDU

Alan Krupnick, Senior Fellow & Director, Industry and Fuels Program, Resources for the Future

KRUPNICK@RFF.ORG

Shelley Welton, Associate Professor of Law, University of South Carolina

SWELTON@LAW.SC.EDU

Lior Strahilevitz, Sidley Austin Professor of Law, University of Chicago

LIOR@UCHICAGO.EDU

David Weisbach, Walter J. Blum Professor of Law, University of Chicago

D-WEISBACH@UCHICAGO.EDU

Eric Posner, Kirkland & Ellis Distinguished Service Professor of Law, University of Chicago

EPOSNER@UCHICAGO.EDU